

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT DURALL,) CASE NO. C06-1012-MJP-MAT
Petitioner,)
v.) ORDER DENYING PETITIONER'S
KENNETH QUINN,) MOTION FOR APPOINTMENT OF
Respondent.) COUNSEL
)

This matter comes before the Court on petitioner's motion for appointment of counsel.

15 The Court, having reviewed petitioner's motion, and the balance of the record, does hereby find
16 and ORDER as follows:

17 (l) Petitioner's motion for appointment of counsel (Dkt. No. 5) is DENIED. There
18 is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an
19 evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988);
20 *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and, Rule 8(c) of the Rules Governing
21 Section 2254 Cases in the United States District Courts. The Court may exercise its discretion
22 to appoint counsel for a financially eligible individual where the "interests of justice so require."

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01 18 U.S.C. § 3006A. However, petitioner fails to satisfy the Court that the interests of justice are
02 best served by appointment of counsel at this time.

03 (2) The Clerk shall direct copies of this Order to petitioner and to the Hon. Marsha J.
04 Pechman.

05 DATED this 22nd day of August, 2006.

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08 Mary Alice Theiler
09 United States Magistrate Judge
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